



THE CITY OF NEW YORK  
LAW DEPARTMENT

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January 6, 2017

**BY ECF**

Honorable Gregory H. Woods  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Alejandro v. City of New York, et al.  
15-CV-06482 (GHW)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the Office of the Corporation Counsel, and assigned to represent defendant The City of New York (hereinafter referred to as “Defendant”) in the above-referenced matter. I write on behalf of the parties to respectfully: (1) provide a status report as to the Civilian Complaint Review Board’s (“CCRB”) prosecution of the individual defendant, Lieutenant Jorge Tavarez; and, (2) request that the stay of this matter be continued for an additional 45 days, to and including February 20, 2017.

By way of background, plaintiff alleges, *inter alia*, that on or about June 29, 2014, he was falsely arrested and subjected to excessive force. See generally, Complaint. Plaintiff names the City of New York, Lieutenant Jorge Tavarez (hereinafter referred to as “Lt. Tavarez”), and unidentified police officers as defendants. The CCRB’s Administrative Prosecution Unit (“APU”), is currently prosecuting this matter. The assigned prosecutor, Executive Agency Counsel Jonathon Fogel, informs the parties that a final decision in this matter is anticipated sometime within the next several months. Although it is Defendant’s position that the stay should be continued until such time as the final decision on this matter is reached, the parties have agreed to respectfully request that the stay of this matter be continued for an additional 45 days while the final decision is pending. In the meantime, the parties have begun settlement discussions, and are hopeful that this matter will be resolved within the same 45 days.<sup>1</sup>

<sup>1</sup> Upon information and belief, negotiations will likely be somewhat delayed by the undersigned’s schedule in January. Specifically, the undersigned is scheduled to begin a trial Continued...

Accordingly, and for the reasons set forth in Defendant's Letter dated November 13, 2015, the parties respectfully request that the stay of this matter be continued to and including February 20, 2017, and respectfully propose that the parties be permitted to file a status report on both the progress of the CCRB's prosecution and settlement negotiations on or before February 20, 2017.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Daniel H. Oliner  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Baree Nichole Fett  
Harvis & Fett LLP  
*Attorneys for plaintiff*  
*(via ECF)*

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before the Hon. Lorna G. Schofield, United States District Judge, on January 10, 2017. The trial is anticipated to last several days. Thereafter, the undersigned will be out of the Office on a previously-scheduled vacation from January 18, until January 22, 2017. Accordingly, plaintiff's counsel has graciously agreed to the timeframe requested so that we may attempt to resolve this matter during same.